

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
LESHAWN LAWSON,
Defendant.

Case No. 15-cr-00119-PJH-1

ORDER SETTING BRIEFING SCHEDULE ON MOTION FOR COMPASSIONATE RELEASE

Re: Dkt. No. 173

The defendant in the above-captioned case has filed a pro se motion for compassionate release. See Dkt. 173. Pursuant to this court's Miscellaneous Order 2019.01.25, defendant's motion was referred to the Federal Public Defender, who had "21 days to decide whether to assume representation of the defendant." More than 21 days have now passed, and the FPD has not assumed representation.

There is no Sixth Amendment right to counsel with respect to a motion under 18 U.S.C. § 3582(c). United States v. Townsend, 98 F.3d 510, 512-513 (9th Cir. 1996). Nor is there a statutory right to counsel in connection with a motion brought under 18 U.S.C. § 3582(c). “A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance ... through appeal, including ancillary matters appropriate to the proceedings.” 18 U.S.C. 3006A(c). A motion brought under 18 U.S.C. § 3582(c) does not constitute an “ancillary matter[]” requiring counsel to be appointed. See, e.g., United States v. Whitebird, 55 F.3d 1007 (5th Cir. 1995). Because defendant is not entitled to appointed counsel for purposes of filing a motion brought under 18 U.S.C. § 3582(c), the court will allow defendant’s pro se motion

1 to go forward.

2 The government has already filed an opposition to defendant's motion. See Dkt.
3 178. The court sets the following further briefing deadlines on defendant's motion for
4 reduction of sentence: the Probation Office shall file a response by November 1, 2021,
5 and defendant may file a reply brief by November 8, 2021. The motion will thereafter be
6 submitted on the papers.

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8 **IT IS SO ORDERED.**

9 Dated: October 18, 2021

10 /s/ Phyllis J. Hamilton

11 PHYLLIS J. HAMILTON
United States District Judge

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